

Nos. 23-1246, 23-1436

In the
United States Court of Appeals
For the Federal Circuit

TRAXCELL TECHNOLOGIES, LLC,

Plaintiff-Appellant,

v.

AT&T INC.

Defendant,

SPRINT COMMUNICATIONS COMPANY LP,
SPRINT SPECTRUM, LP, SPRINT SOLUTIONS,
INC., VERIZON WIRELESS PERSONAL
COMMUNICATIONS, LP,

Defendants-Appellees,

Appeal from the United States District Court
for the Eastern District of Texas in No. 2:17-cv-0718-RWS-RSP
before Judge Robert W. Schroeder, III

**SPRINT'S UNOPPOSED MOTION
TO CONTINUE ORAL ARGUMENT**

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*Counsel for Appellees
Sprint Communications Company L.P.,
Sprint Spectrum LLC, and
Sprint Solutions LLC*

CERTIFICATE OF INTEREST

Counsel for Appellees Sprint Communications Company LP, Sprint Spectrum, LP, Sprint Solutions, Inc, Brian D. Schmalzbach, certifies the following:

1. The full name of all entities represented by me in this case is Sprint Communications Company LP, Sprint Spectrum, LP (now Sprint Spectrum LLC), and Sprint Solutions, Inc. (now Sprint Solutions LLC).
2. There are no other real parties in interest represented by the undersigned.
3. All parent corporations and all publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are: Sprint Communications LLC, SprintCom LLC, T-Mobile USA, Inc., T-Mobile US, Inc., Deutsche Telekom Holding B.V., T-Mobile Global Holding GmbH, T-Mobile Global Zwischenholding GmbH, Deutsche Telekom AG, and Sprint LLC
4. The names of all law firms, partners and associates that (a) appeared for the entities in the original court or agency or (b) are expected to appear in this court for the entities (not including those who have already entered an appearance in this case) are:

McGuireWoods LLP: Justin R. Lowery, Kristen M. Calleja, Fredericka J. Sowers

Smith Weber: Robert E. Weber
5. The cases that will directly affect or be directly affected by this Court's decision in the pending appeal (not including the originating case number (s) for this case) are:

- 1) *Traxcell Technologies, LLC v. Sprint Communications Company, LP*, 2:17-cv-0719, pending in the Eastern District of Texas.
- 2) *Traxcell Technologies, LLC v. T-Mobile USA, Inc.*, No. 2:17-cv-0720, pending in the *Eastern* District of Texas.
- 3) *Traxcell Technologies, LLC v. Verizon Wireless Personal Communications, LP*, 2:17-cv-0721, pending in the Eastern District of Texas.
- 4) *Traxcell Technologies, LLC v. Nokia Solutions and Networks US et al.*, No. 2:18-cv-0412, pending in the Eastern District of Texas.
- 5) *Verizon Wireless Personal Communications, LP v. Traxcell Technologies, LLC*, No. 2023-368-4, pending in the district court of McClennan County, Texas, 170th Judicial District.
- 6) *In re Traxcell Technologies, LLC*, No. 10-23-00074-CV, pending in the Texas Court of Appeals.
6. This entity has no information on any Organization Victims or Bankruptcy cases.

Dated: April 4, 2023

/s/ Brian D. Schmalzbach
Brian D. Schmalzbach

Sprint¹ requests that any oral argument in this case be placed on the July 2023 oral argument calendar rather than the June 2023 calendar.

1. Appellant Traxcell Technologies, LLC (“Traxcell”) filed a motion for expedited briefing and oral argument in this case. ECF 13.

2. This Court’s February 13, 2023 order granted Traxcell’s motion in part and stated that “the case will be placed on the June 2023 oral argument calendar.” ECF 14. The case has not yet been assigned a date for oral argument.

3. After the Court issued that order, undersigned counsel’s spouse was scheduled to give birth during the June 2023 session.

3. Undersigned counsel, who presented oral argument for Sprint in the previous appeal arising from the same district court litigation, *see* Nos. 20-1852 & 20-1854, also plans to present oral argument for Sprint in this appeal.

4. There is good cause to schedule oral argument one month later, during the July 2023 oral argument calendar, to accommodate undersigned

¹ “Sprint” refers to Sprint Communications Company LP, Sprint Spectrum, LP (now Sprint Spectrum LLC), and Sprint Solutions, Inc. (now Sprint Solutions LLC).

counsel's medical and family obligations during the June 2023 oral argument calendar.

5. Counsel for Sprint discussed this motion with all other parties, who consent to the requested modification of the oral argument schedule.

Dated: April 4, 2023

Respectfully submitted,

/s/ Brian D. Schmalzbach

Brian D. Schmalzbach

David E. Finkelson

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Counsel for Appellees

Sprint Communications Company L.P.,

Sprint Spectrum LLC, and

Sprint Solutions LLC

CERTIFICATE OF SERVICE

I certify that on April 4, 2023, I filed the foregoing with the Clerk of this Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users.

/s/ Brian D. Schmalzbach
Brian D. Schmalzbach

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because:

- This motion contains 219 words, excluding the parts of the exempted by Federal Rule of Appellate Procedure 27(a)(2)(B).

This motion complies with the typeface and type style requirements of Federal Rule of Appellate Procedure 32(a)(5) because:

- This motion has been prepared in a proportionally spaced 14-point Book Antiqua font using Microsoft Word.

/s/ Brian D. Schmalzbach

Brian D. Schmalzbach

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**DECLARATION OF BRIAN D. SCHMALZBACH IN SUPPORT OF
SPRINT'S UNOPPOSED MOTION
TO CONTINUE ORAL ARGUMENT**

I, Brian D. Schmalzbach, hereby declare:

1. I am a partner in the law firm of McGuireWoods LLP and a member of the bar of this Court.

2. I represent Sprint Communications Company LP, Sprint Spectrum, LP (now Sprint Spectrum LLC), and Sprint Solutions, Inc. (now Sprint Solutions LLC) (collectively “Sprint”) in this appeal. I make this declaration in support of the accompanying Unopposed Motion to Continue Oral Argument.

3. Oral argument is currently set to be placed on the June 2023 oral argument calendar. Order, ECF 14 (Feb. 13, 2023). This case has not yet been assigned an oral argument date.

4. In the past week, my spouse learned that she had been scheduled to give birth during the week of June 5, which is also the week of this Court’s June 2023 oral argument session.

5. I plan to present oral argument for Sprint in this appeal, as I presented oral argument for Sprint in the previous appeal arising from the same district court litigation. *See* Nos. 20-1852 & 20-1854.

6. There is good cause to schedule oral argument one month later, during the July 2023 oral argument calendar, to accommodate the above-

referenced medical and family obligations during the June 2023 oral argument calendar.

7. I conferred regarding this motion with all other parties, who consent to the requested modification of the oral argument schedule.

/s/ Brian D. Schmalzbach

Brian D. Schmalzbach

Counsel for Appellees

Sprint Communications Company L.P.,

Sprint Spectrum LLC, and

Sprint Solutions LLC